

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
ST. LOUIS DIVISION**

THE STATE OF ARKANSAS; THE STATE OF  
MISSOURI; THE STATE OF IOWA; THE STATE OF  
NEBRASKA; THE STATE OF NORTH DAKOTA; THE  
STATE OF SOUTH DAKOTA; A.F., a minor, by Sara  
Ford, her mother,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF EDUCATION;  
MIGUEL CARDONA, in his official capacity as  
Secretary of the United States Department of  
Education; CATHERINE E. LHAMON, in her official  
capacity as Assistant Secretary for Civil Rights at  
the United States Department of Education;  
RANDOLPH WILLS, in his official capacity as  
Deputy Assistant Secretary for Enforcement at the  
United States Department of Education,

*Defendants.*

Case No.: 4:24-cv-636

**NOTICE OF ORDERS IN SIMILAR CASES**

In accordance with the Court's June 21, 2024 order (Doc. 19) concerning similar cases, Plaintiffs submit two court of appeals opinions issued today denying the federal government's motions to partially stay district court orders enjoining the Final Rule from taking effect.

First, attached as Exhibit A, is the United States Court of Appeals for the Sixth Circuit's opinion in *Tennessee v. Cardona*, No. 24-5588 (Jul. 17, 2024). That opinion denied the government's motion to partially stay the *Tennessee* district court's order preliminarily enjoining the Final Rule. While the panel there split over the appropriate scope of relief, "[a]ll three members of the panel, it bears emphasis, agree[d]" that the Final Rule's definition of sex

discrimination exceeded the Department's authority and that "these central provisions of the Rule should not be allowed to go into effect on August 1." Ex. A at 5.

Second, attached as Exhibit B, is the United States Court of Appeals for the Fifth Circuit's opinion in *Louisiana v. Department of Education*, No. 24-30399 (Jul. 17, 2024). That opinion denied the government's motion to partially stay the *Louisiana* district court's preliminary injunction because, among other things, the Department did not face any irreparable harm from its inability to enforce a rule that "makes major changes in the scope of coverage of Title IX." Ex. B at 4.

This Court should join every court to have considered the Final Rule and likewise block it from taking effect.

Dated: July 17, 2024

Respectfully submitted,

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